

REMARKS

Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

With regard to the Detailed Action Items:

Claims 29 and 30 have been canceled without prejudice. Claims 1 - 42 stand rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (U.S. Patent 6,266,576). The Office Action explanation suggests that:

"Okada et al. disclose a fuel cell system. The system includes a hydrogen supply means having a reformer, a variable valve (10) for regulating the amount of methanol supplied to the reformer (9), and a pressure regulator (11) for maintaining the pressure of hydrogen supplied from the reformer to the fuel cell (5) at a constant pressure, and a reservoir tank (12) for storing hydrogen to be supplied to the fuel cell. The fuel cell system includes an electric generation managing means (7), which is a control system. As shown in Figure 1, the reservoir tank 12 is in fluid communication with the reformer, and therefore the pressure of the reservoir tank and the reformer will be identical. (column 8, lines 36-48.)

The electric generation managing means controls the system processes which maintain pressure in the reservoir at a target pressure. The electric generation managing means detects the pressure of the reservoir tank and reformer, and uses this information to adjust the variable valve. (Column 9, lines 26-52.) Both feed-forward and feed-back control systems are used. (Note column 10, lines -9 and lines 43-52.)"

The Applicants contend that Okada et al. (U.S. Patent 6,266,576) hereinafter "Okada et al." does not disclose or teach each of the elements of the invention as claimed in the instant application. While Okada may disclose several similar elements of the system as claimed, in each instance outlined herein, Okada does not disclose the cited elements.

To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barent, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim."

*Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

With regard to Claims 1, 43, and 50, Applicants contend that Okada et al. does not disclose or teach, "receiving a controllable valve position signal from a controllable valve." Nor does Okada et al. disclose or teach "actuating a controllable valve in response to ... said controllable valve position signal." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claims 1, 43, and 50. Thus, the rejections of Claims 1, 43, and 50 are improper and the rejections should be withdrawn.

Claims 2 – 22, 44 – 49, and 51 - 56 include the same limitations as Claims 1, 43, and 50 respectively and therefore, are allowable and improperly rejected. Thus, the rejection of Claims 2 – 22, 44 – 49, and 51 - 56 should be withdrawn. Moreover, Claims 2 – 22, 44 – 49, and 51 - 56 depend from Claims 1, 43, and 50 respectively which are allowable, and thus are allowable as well.

With regard to Claim 3, Applicants contend that Okada et al. does not disclose or teach, "said actuating is in response to a desired controllable valve position value." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate the claim. Thus, the rejection of Claim 3 is improper and the rejection should be withdrawn.

Claims 4, 5, 7, 8, and 9 include the same limitation as Claim 3 and therefore are allowable and improperly rejected. Thus, the rejections of Claims 4, 5, 7, 8, and 9 should be withdrawn. Moreover, Claims 4, 5, 7, 8, and 9 depend from Claim 3, which is allowable, and thus are allowable as well.

With regard to Claims 6, 45, and 52 Applicants contend that Okada et al. does not disclose or teach, "said actuating is responsive to a controllable valve position error." Nor does Okada et al. disclose or teach, "said controllable valve position error is responsive to the difference between a controllable valve position signal and a desired controllable valve position value." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claims 6, 45, and 52. Thus, the rejections of Claims 6, 45, and 52 are improper and the rejections should be withdrawn.

With regard to Claims 10 and 11, 46, and 53, Applicants contend that Okada et al. does not disclose or teach "said actuating is responsive to a controllable valve command." Nor does Okada et al. disclose or teach, "said controllable valve command is responsive to a controllable valve position error." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claims 10 and 11, 46, and

53. Thus, the rejections of Claim 10 and 11, 46, and 53 are improper and the rejections should be withdrawn.

Claims 12 - 16 include the same limitation as Claim 11 and therefore are allowable and improperly rejected. Thus, the rejection of claims 12 - 16 should be withdrawn. Moreover, Claims 12 - 16 depend from Claim 11, which is allowable, and thus are allowable as well.

With regard to Claims 17, 47, and 54, Applicants contend that Okada et al. does not disclose or teach "receiving a metered reformatte pressure signal representative of the metered reformatte pressure." Nor does Okada et al. disclose or teach, "actuating said controllable valve in response to said ... metered reformatte pressure signal, ... ." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claims 17, 47, and 54. Thus, the rejections of Claims 17, 47, and 54 are improper and the rejections should be withdrawn.

Claims 18 - 22, 48 and 49, and 55 and 56 include the same limitation as Claim 17, 47, and 54 respectively and therefore are allowable and improperly rejected. Thus, the rejection of Claims 18 - 22, 48 and 49, and 55 and 56 should be withdrawn. Moreover, Claims 18 - 22, 48 and 49, and 55 and 56 depend from Claims 17, 47, and 54 respectively which are allowable, and thus are allowable as well.

Similarly, with regard to Claims 23, Applicants contend that Okada et al. does not disclose or teach, "said controller receives a controllable valve position signal from said controllable valve." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claim 23. Thus, the rejection of Claim 23 is improper and the rejection should be withdrawn.

Likewise, Claims 24 - 42 include the same limitations as Claim 23 and therefore, are allowable and improperly rejected. Thus, the rejection of Claims 24 - 42 should be withdrawn. Moreover, Claims 24 - 42 depend from Claim 23, which is allowable, and thus are allowable as well.

With regard to Claim 25, Applicants contend that Okada et al. does not disclose or teach, "said controllable valve command is in response to a desired controllable valve position value." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate the claim. Thus, the rejection of Claim 25 is improper and the rejection should be withdrawn.

Claims 26 and 27 include the same limitation as Claim 25 and therefore are allowable and improperly rejected. Thus, the rejections of Claims 26 and 27 should be withdrawn. Moreover, Claims 26 and 27 depend from Claim 25, which is allowable, and thus are allowable as well.

With regard to Claim 28, Applicants contend that Okada et al. does not disclose or teach, "said controllable valve command is responsive to a controllable valve position error." Nor does Okada et al. disclose or teach, "said controllable valve position error is responsive to the difference between a controllable valve position signal and a desired controllable valve position value." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claim 28. Thus, the rejection of Claim 28 is improper and the rejection should be withdrawn.

With regard to Claims 31 and 32, Applicants contend that Okada et al. does not disclose or teach, "said controllable valve command is responsive to a controllable valve position error." Nor does Okada et al. disclose or teach, "said controllable valve command is reduced if said controllable valve position error signal is greater than a first position error threshold and increased if said controllable valve position error signal is less than a second position error threshold." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claims 31 and 32. Thus, the rejections of Claim 31 and 32 are improper and the rejections should be withdrawn.

Claims 33 - 36 include the same limitation as Claim 31 and therefore are allowable and improperly rejected. Thus, the rejection of claims 33 - 36 should be withdrawn. Moreover, Claims 33 - 36 depend from Claim 31, which is allowable, and thus are allowable as well.

With regard to Claim 37, Applicants contend that Okada et al. does not disclose or teach "a metered reformatte pressure sensor coupled to said controller and configured to measure reformatte pressure at said electrochemical cell." Nor does Okada et al. disclose or teach, ". . . said controllable valve command is also responsive to said metered reformatte pressure signal." Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claim 37. Thus, the rejection of Claim 37 is improper and the rejection should be withdrawn.

Claims 38 - 42 include the same limitation as Claim 37 and therefore are allowable and improperly rejected. Thus, the rejections of Claims 38 - 42 should be withdrawn.

Moreover, Claims 38 – 42 depend from Claim 37, which is allowable, and thus are allowable as well.

Claims 43 - 56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. U. S. Patent No. 6,266,576.

Applicants respectfully contend for the reasons identified above that the Okada et al. does not disclose or teach one or more of the elements claimed and therefore cannot render the claims unpatentable.

Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In Re Skoll*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

Applicants respectfully contend for the reasons identified above that the Okada et al. does not disclose or teach one or more of the elements claimed and therefore cannot render the claims unpatentable. Therefore, because Okada et al. does not disclose or teach an element of the claimed invention, it cannot anticipate Claims 43 - 56. Thus, the rejections of Claims 43 - 56 are improper and the rejections should be withdrawn.

The claims were not amended to overcome the prior art and therefore, no presumption should attach that either the claims have been narrowed over those earlier presented, or that subject matter or equivalents thereof to which the Applicants are entitled has been surrendered. Support for these amendments can be found in the specification and claims as originally filed. No new matter has been introduced by these amendments. Consideration and allowance of the claims is respectfully requested in view of the amendments and following remarks. Moreover, the amendments as presented do not alter the scope of the claimed invention and therefore cannot necessitate a new grounds rejection.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicants. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

In the event the Examiner has any queries regarding the instantly submitted Amendment and arguments, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

If there are additional charges with respect to this matter or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,  
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